

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
MICAH DUNCAN,)
Defendant.)

2:10-CR-331-PMP (RJJ)

AMENDED PRELIMINARY ORDER OF FORFEITURE

This Court finds that on October 12, 2011, defendant MICAH DUNCAN pled guilty to Counts One, Two and Three of a Three-Count Superseding Criminal Information charging him in Count One with Tax Evasion in violation of Title 26, United States Code, Section 7201; in Count Two with Theft of Government Property in violation of Title 18, United States Code, Section 641; and in Count Three with Felon in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(1). Docket #42, #44, #45.

This Court finds defendant MICAH DUNCAN agreed to the forfeiture of the property set forth in the Forfeiture Allegations of the Superseding Criminal Information and the Plea Memorandum, and that he agreed to the correction of a scrivener's error, correcting the dollar amount of the cash that was seized from \$9,938.00 in United States Currency to \$12,668.00 in United States Currency. #42, #44, #45.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegations of

1 the Superseding Criminal Information and the Plea Memorandum and the offenses to which
2 defendant MICAH DUNCAN pled guilty.

3 The following assets are subject to forfeiture pursuant to Title 18, United States Code,
4 Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); and Title 18, United States
5 Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c):

- 6 a) a Men's Breitling watch with Diamond Bezel and Sidecase (serial # B45355);
- 7 b) a Tennis Necklace with 55 TW Carats Round Diamonds set-in 10K White Gold;
- 8 c) a black Ballistic Vest;
- 9 d) \$12,668.00 in United States Currency;
- 10 e) a Cobray model Leinard PM12, .380 caliber semi-automatic pistol, serial #
11 120014243;
- 12 f) an Armory model AUSA 7.62 semi-automatic pistol, serial # B1681;
- 13 g) any and all ammunition; and
- 14 h) an *in personam* criminal forfeiture money judgment of \$46,800.00 in United States
15 Currency ("property").

16 This Court finds the United States of America is now entitled to, and should, reduce the
17 aforementioned property to the possession of the United States of America.

18 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
19 United States of America should seize the aforementioned property.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
21 MICAH DUNCAN, in the aforementioned property is forfeited and is vested in the United States
22 of America and shall be safely held by the United States of America until further order of the Court.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
24 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
25 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
26 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state

1 the name and contact information for the government attorney to be served with the petition,
2 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

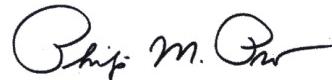
3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
4 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
6 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
7 following address at the time of filing:

8 Michael A. Humphreys
9 Assistant United States Attorney
Daniel D. Hollingsworth
Assistant United States Attorney
10 Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
11 Las Vegas, Nevada 89101.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need
not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
following publication of notice of seizure and intent to administratively forfeit the above-described
property.

16 DATED this 6th day of March, 2012.

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20 UNITED STATES DISTRICT JUDGE
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PROOF OF SERVICE

I, Elizabeth Baechler-Warren, Forfeiture Support Associate Paralegal, certify that the following individuals were served with a copy of the foregoing (proposed) Amended Preliminary Order of Forfeiture on March 6, 2012, by the below identified method of service:

CM/ECF:

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/s/ Elizabeth Baechler-Warren
Elizabeth Baechler-Warren
Forfeiture Support Associate Paralegal